

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
FEB 28 2013
CLERK, U.S. DISTRICT COURT
By Deputy

UNITED STATES OF AMERICA

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§

v.

No. 4:13-MJ-145

KENT HOWERTON

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true
and correct to the best of my knowledge and belief:

On or about February 21, 2012, **Kent Howerton**, knowingly transported by
any means, including by computer, any visual depiction using any means and
facility of interstate and foreign commerce, knowing the production of such
visual depiction involves the use of a minor engaging in sexually explicit
conduct and such visual depiction is of such conduct.

Specifically, **Howerton** used the Internet and Yahoo! to transport the
following visual depiction of a minor engaged in sexually explicit conduct:

000_03121.jpg: An image depicting two nude prepubescent females and one
nude prepubescent male lying on a bed. One of the prepubescent females is
performing oral sex on the prepubescent male who is touching the genitalia of
the other prepubescent female.

In violation of 18 U.S.C. § 2252(a)(1).

I further state that I am a Special Agent with Homeland Security Investigations
(HSI) within ICE assigned to the Office of the Special Agent-in-Charge,
Dallas, Texas. This complaint is based on the following facts gathered through
my investigation and through reports relayed to me by Detective Hudelson

with the Cleveland Police Department as well as other members of law enforcement:

INTRODUCTION

1. I am currently a Special Agent with Homeland Security Investigations (HSI) within ICE assigned to the Office of the Special Agent-in-Charge, Dallas, Texas. I have been employed by HSI since October 2005. As part of my duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256); in all forms of media including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic material.

2. This affidavit sets forth facts and suggests reasonable inferences from those facts, establishing that there is probable cause to believe that on or about February 27, 2013, in the Northern District of Texas Fort Worth Division, Kent HOWERTON, committed the offense of Transportation of Child Pornography, in violation of 18 U.S.C. § 2252(a)(1).

OVERVIEW OF INVESTIGATION

3. In June 2011, Detective John Hudelson with the Cleveland Police Department assigned to the Ohio Internet Crimes Against Children (OICAC) task force initiated an investigation against an individual utilizing the Yahoo! ID: **all_about_yr_k9**. Detective Hudelson had taken on the persona of a twelve-year-old female and was utilizing the following Yahoo! ID: **dee_dee_97**.

4. On June 20, 2011, the individual identified as **all_about_yr_k9** made contact with **dee_dee_97** within a Yahoo chat room. The two individuals then began chatting with each other through an instant messaging program where communication was private between the two parties. During that chat through the instant messaging program, **all_about_yr_k9** inquired about the age of **dee_dee_97**, to which Detective Hudelson responded that she was twelve-years old. The chat lasted approximately an hour and a half, during which time, **all_about_yr_k9** commented about **dee_dee_97**'s profile pictures and how cute she was and proceeded to turn the conversation to a sexual nature.

5. During the course of a year, **all_about_yr_k9** communicated with **dee_dee_97** approximately seventy five more times through Yahoo instant messenger. The chats, which took place from June 2011 and continued until June 2012, appeared to end when Detective Hudelson stopped communicating with **all_about_yr_k9** and **all_about_yr_k9** did not pursue further chat. During the chats, **all_about_yr_k9** attempted to sexually arouse **dee_dee_97** by

providing numerous pornographic images and videos through Photo Share

within Yahoo! Instant Messenger. Some of the images and videos

all_about_yr_k9 transmitted to **dee_dee_97** contained child pornography. S/A

Faust has reviewed the images and videos sent by **all_about_yr_k9**, and

confirmed that the material contained child pornography. The following four

files were sent by **all_about_yr_k9** to **dee_dee_97**:

Date	File Name	Description
07/05/2011	Tara_pthc_unknown_282.jpg	This image depicts a nude prepubescent female lying down on her back in a bath tub. The female's legs are raised in the air spread open where running water is hitting her genitalia. The female has little to no breast development.
11/20/2011	(12y webcam new-10yog..hc).mpg	This 1-minute-and-21-second video depicts a prepubescent female on a bed masturbating; at one point, she adjusts the camera to focus on her genital area.
02/21/2012	000_03121.jpg	This image depicts two nude prepubescent females and one nude prepubescent male lying on a bed. One of the prepubescent females with brown hair and little to no breast development is engaged in performing oral sex on the prepubescent male, who is touching the genitalia area of the other prepubescent female.
06/21/2012	13pussy.jpg	This image depicts a prepubescent female exposing her genitalia while sitting on a horse. The female can be described as having brown hair and wearing a pink, purple, and yellow shirt.

6. As noted in paragraph 5, **all_about_yr_k9** and **dee_dee_97** communicated from June 2011 to June 2012. During this time period, **all_about_yr_k9** sent more than 900 images to **dee_dee_97**, and, as reflected in the above table, **all_about_yr_k9** sent child pornographic files to **dee_dee_97** throughout the course of their communication.

7. On May 14, 2012, Detective Hudelson obtained through legal process from Yahoo Inc. the account and IP address information for the screen name **all_about_yr_k9**. According to the information provided by Yahoo, the user known as **all_about_yr_k9** had utilized IP address 99.178.136.143 from June 18, 2011 thru May 12, 2012, which corresponds with a majority of the dates that communication took place between **all_about_yr_k9** and **dee_dee_97**.

8. On January 15, 2013, an HSI administrative summons was issued to Yahoo Inc., requesting account and IP address information for the screen name **all_about_yr_k9**. According to the information provided by Yahoo, the user known as **all_about_yr_k9** had utilized IP address 99.178.136.143 from January of 2012 thru November 9, 2012. This is the same IP address listed in the paragraph ^{7 B.F.} 8; the same IP that Detective Hudelson discovered **all_about_yr_k9** was utilizing when communications took place between **all_about_yr_k9** and **dee_dee-97** from June 2011 to May 2012. Further information obtained from Yahoo revealed **all_about_yr_k9** had been assigned IP address 172.5.232.7 on November 11, 2012, until January 18, 2013.

9. In May 2012, Detective Hudelson queried www.arin.net, a public Internet database of IP addresses, and determined that the IP address 99.178.136.143 provided by Yahoo belonged to AT&T. On January 22, 2013, S/A Faust queried www.arin.net and discovered that IP address 172.5.232.7 also belonged to AT&T.

10. On May 30, 2012, Detective Hudelson sent legal process to AT&T requesting account and billing information regarding IP address 99.178.136.143 on May 1, 2012 at 18:29:15 GMT. On June 6, 2012, AT&T returned the results, showing that the IP address 99.178.136.143 on the above date requested came back to: Kent HOWERTON 1228 Spargercrest Drive, Bedford, Texas 76021-2468.

11. On February 8, 2013, an HSI administrative summons was issued to AT&T for subscriber information on two IP addresses: 99.178.136.143; and 172.5.232.7. The following times were requested for IP address 99.178.136.143: November 9, 2012 at 05:33:01 GMT and June 21, 2012 at 17:21:19 GMT. The following times were requested for IP address 172.5.232.7: January 17, 2012 at 21:45:14 GMT and November 12, 2012 at 00:18:53 GMT. On February 20, 2013, AT&T returned the results, showing that IP addresses 99.178.136.143 and 172.5.232.7 on the dates listed above came back to: Kent HOWERTON at 1228 Spargercrest Drive, Bedford, Texas 76021-2468.

12. On or about February 17, 2013, Detective Hudelson logged into to his Yahoo undercover account: **dee_dee_97**. There was an offline message from **all_about_yr_k9**. Detective Hudelson, utilizing the **dee_dee_97** account traded off

line messages with **all_about_yr_k9** on February 17, 22, 23, 24, and 27, 2013.

13. On February 27, 2013, Detective Hudelson logged into the **dee_dee_97** account and was contacted by **all_about_yr_k9**. During the communication, **all_about_yr_k9** sent over 160 image files and over 5 video files to **dee_dee_97**. Detective Hudelson confirmed that **all_about_yr_k9** was online communicating with **dee_dee_97** as recent as 12:00pm CST on February 27, 2013.

14. On February 27, 2013, HSI Special Agents executed a federal search warrant at 1228 Spargercrest Drive, Bedford, Texas.

15. HIS Special Agents informed HOWERTON of his Miranda Warnings, and asked whether he would consent to speak to agents. HOWERTON waived his rights orally, and in writing consented to an interview.


16. During the interview HOWERTON admitted that he utilized Yahoo! Instant Messenger to distribute child pornography. HOWERTON also provided agents with a voluntary written statement attesting to his involvement in child pornography stemming back over the last four years.

17. HOWERTON stated that he sent child pornography by way of Yahoo! Instant Messenger to a twelve-year-old female residing in Ohio known to him as **dee_dee_97**. HOWERTON informed that he was operating under the screen name **all_about_yr_k9** when he provided images and videos of child pornography to **dee_dee_97** through Yahoo! Instant Messenger. HOWERTON stated that he sent images of child pornography to **dee_dee_97** as recent as February 27, 2013, and

further stated that he knew it was wrong and illegal to send images of child pornography.

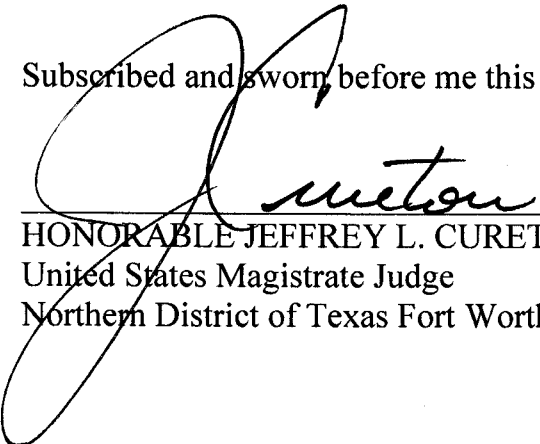
CONCLUSION

18. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about February 21, 2012, in the Northern District of Texas Fort Worth Division, Kent HOWERTON committed the offense of Transporting Child Pornography, in violation of 18 U.S.C. §2252(a)(1).



Brian Faust
Special Agent
Department of Homeland Security Investigations

Subscribed and sworn before me this 28th day of February, 2013.



HONORABLE JEFFREY L. CURETON
United States Magistrate Judge
Northern District of Texas Fort Worth Division